

**AMENDMENTS THE CLAIMS**

Claims 1-4. (Cancelled).

5. (Currently Amended) The mobile communication system according to claim [[4]] 8,

wherein the data transfer time is a transmission time at the time when a data transfer amount, which is sent when an available transfer data amount to be found from the number of allocation of codes, the transmission power, and channel quality information, becomes substantially the maximum, becomes substantially the same as the available transfer data amount.

6. (Currently Amended) The mobile communication system according to claim [[4]] 8,

wherein the data transfer time is a transmission time at the time when the transmission power is in the vicinity of transmission power amount which is set for the data transfer path in advance.

7. (Cancelled).

8. (Currently Amended) ~~The mobile communication system according to claim 4~~ A mobile communication system for performing resource management including allocation of codes and transmission power control to form a high speed data transfer path for a mobile station, the mobile communication system comprising:

calculation means which calculates average values with respect to the number of use of the codes and an amount of use of the transmission power on the basis of a data transfer time to the data transfer path, the number of use of codes being measured during the data transfer time; and

control means which performs the resource management on the basis of the average values,

wherein said calculation means calculates whether a ratio of used codes becomes equal to or higher than a threshold value set in advance or calculates a time at which the number of used codes become equal to or higher than the threshold value.

9. (Currently Amended) The mobile communication system according to claim [[4]] 15,

wherein said calculation means calculates a ratio of the number of codes at the time when whole allocated transmission power is used becoming equal to or higher than a threshold value set in advance or a time in which the number of codes becomes equal to or higher than the threshold value.

10. (Cancelled).

11. (Currently Amended) The mobile communication system according to claim [[4]] 15,

wherein said calculation means calculates a ratio of the transmission power becoming equal to or higher than a threshold value set in advance or a time in which the transmission power becomes equal to or higher than the threshold value.

12. (Currently Amended) The mobile communication system according to claim [[4]] 15,

wherein said calculation means calculates a ratio of transmission power amount at the time when all allocated codes are used becoming equal to or higher than a threshold value set in advance or a time in which the transmission power amount becomes equal to or higher than the threshold value.

13. (Currently Amended) The mobile communication system according to claim [[4]] 8,

wherein said calculation means calculates the data transfer time or a ratio thereof in a measurement period set in advance.

14. (Currently Amended) ~~The mobile communication system according to claim 4~~ A mobile communication system for performing resource management including allocation of codes and transmission power control to form a high speed data transfer path for a mobile station, the mobile communication system comprising:

calculation means which calculates average values with respect to the number of use of the codes and an amount of use of the transmission power on the basis of a data transfer time to the data transfer path, the number of use of codes being measured during the data transfer time; and

control means which performs the resource management on the basis of the average values,

wherein said calculation means calculates a data transfer time in which the number of codes or the transmission power becomes equal to or higher than a threshold value set in advance in a measurement period set in advance.

15. (Currently Amended) ~~The mobile communication system according to claim 4~~ A mobile communication system for performing resource management including allocation of codes and transmission power control to form a high speed data transfer path for a mobile station, the mobile communication system comprising:

calculation means which calculates average values with respect to the number of use of the codes and an amount of use of the transmission power on the basis of a data transfer time to the data transfer path, the number of use of codes being measured during the data transfer time; and

control means which performs the resource management on the basis of the average values,

wherein said calculation means integrates use rates of the codes and the transmission power in a measurement period set in advance to calculate a use time rate of resources.

Claims 16-55. (Cancelled).

56. (Currently Amended) The resource allocation control method according to claim [[55]] 59,

wherein the data transfer time is a transmission time at the time when a data transfer amount, which is sent when an available transfer data amount to be found from the number of allocation of codes, the transmission power, and channel quality information, becomes substantially the maximum, becomes substantially the same as the available transfer data amount.

57. (Currently Amended) The resource allocation control method according to claim [[55]] 59,

wherein the data transfer time is a transmission time at the time when the transmission power is in the vicinity of transmission power amount which is set for the data transfer path in advance.

58. (Cancelled).

59. (Currently Amended) ~~The resource allocation control method according to claim 55~~  
A resource allocation control method for a mobile communication system which performs resource management including allocation of codes and transmission power control to form a high speed data transfer path for a mobile station, the resource allocation control method comprising, on a management side performing the resource management:

processing for calculating average values with respect to the number of use of the codes and an amount of use of the transmission power on the basis of a data transfer time to the data transfer path, the number of use of the codes being measured during the data transfer time; and

processing for performing the resource management on the basis of the average values,

wherein said processing for calculating average values calculates whether a ratio of used codes becomes equal to or higher than a threshold value set in advance or calculates a time at which the number of used codes become equal to or higher than the threshold value.

60. (Currently Amended) The resource allocation control method according to claim [[55]] 59,

wherein said processing for calculating average values calculates a ratio of the number of codes at the time when whole allocated transmission power is used becoming equal to or higher than a threshold value set in advance or a time in which the number of codes becomes equal to or higher than the threshold value.

61. (Cancelled).

62. (Cancelled).

63. (Currently Amended) The resource allocation control method according to claim [[55]] 59,

wherein said processing for calculating average values calculates a ratio of transmission power amount at the time when all allocated codes are used becoming equal to or higher than a threshold value set in advance or a time in which the transmission power amount becomes equal to or higher than the threshold value.

64. (Currently Amended) The resource allocation control method according to claim [[55]] 59,

wherein said processing for calculating average values calculates the data transfer time or a ratio thereof in a measurement period set in advance.

65. (Currently Amended) ~~The resource allocation control method according to claim 55~~  
A resource allocation control method for a mobile communication system which performs resource management including allocation of codes and transmission power control to form a high speed data transfer path for a mobile station, the resource allocation control method comprising, on a management side performing the resource management:

processing for calculating average values with respect to the number of use of the codes and an amount of use of the transmission power on the basis of a data transfer time to the data transfer path, the number of use of the codes being measured during the data transfer time; and

processing for performing the resource management on the basis of the average values,

wherein said processing for calculating average values calculates a data transfer time in which the number of used codes or the transmission power becomes equal to or higher than a threshold value set in advance in a measurement period set in advance.

66. (Currently Amended) ~~The resource allocation control method according to claim 55~~  
A resource allocation control method for a mobile communication system which performs resource management including allocation of codes and transmission power control to form a high speed data transfer path for a mobile station, the resource allocation control method comprising, on a management side performing the resource management:

processing for calculating average values with respect to the number of use of the codes and an amount of use of the transmission power on the basis of a data transfer time to the data transfer path, the number of use of the codes being measured during the data transfer time; and

processing for performing the resource management on the basis of the average values,

wherein said processing for calculating average values integrates use rates of the codes and the transmission power in a measurement period set in advance to calculate a use time rate of resources.

Claims 67-82. (Cancelled).